IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

WP(C).No. 28250 of 2006(K)

PETITIONER:

P.R. SAJU, AGED 37 YEARS,
S/O.P.V. RAGHAVAN, PALAMITTOM HOUSE,
KARANAKODAM, THAMMANAM P.O., ERNAKULAM.

BY ADV. SRI.M.B.PRAJITH
SRI.BIJU JOSEPH

RESPONDENTS:

1. ALAPATT SAJU @ PAUL ANTONY,
ALAPATT HOUSE, NORTH PARAVUR.

2. THE STATION HOUSE OFFICER,
MUNAMBAM POLICE STATION, MUNAMBAM.

3. THE DEPUTY SUPSERINTENDENT OF POLICE
CRIME BRANCH, ERNAKULAM.

4. THE DIRECTOR GENERAL OF POLICE
LAW & ORDESR, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM.

5. SUPERINTENDENT OF POLICE,
CENTRAL BUREAU OF INVESTIGATION/SPE,
ERNAKULAM.

6. STATE OF KERALA, REP. BY
HOME SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

R5 BY ADV. SRI.S.SREEKUMAR, SC FOR CBI
R2 TO 4 AND 6 BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 28250 of 2006 K

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Dated this the 3rd day of January, 2007

JUDGMENT

The petitioner is the defacto complainant in a crime registered as Crime No. 37 of 2002 of Munambam police station. The alleged incident had taken place in December, 2001.

2. The crux of the allegations is that a boat belonging to the petitioner entrusted to the first respondent was misappropriated and fraudulently disposed of by the first respondent advancing a false and fraudulent plea that the boat had sunk in deep sea. Initial investigation by the Munambam police did not yield any tangible results and the investigation was taken over by the Crime Branch C.I.D.. Eventhough a long period of time has elapsed now, the C.B.C.I.D. has not been able to come to any specific conclusion relating to complicity. Even the fact whether the boat had sunk as alleged has not been ascertained correctly by the investigators so far. It is in these circumstances that the petitioner has come to this court with a prayer that a competent agency may be entrusted with the

responsibility of conducting the investigation. It is prayed that the C.B.I. may be directed to conduct the investigation.

3. The learned Prosecutor on behalf of the State and the learned Standing Counsel for the C.B.I. have been heard. The State does not raise any objection against the prayer to hand over the investigation to the C.B.I. The learned Standing Counsel for the C.B.I. submits that there are no such features in this case which would oblige investigation being conducted by the C.B.I.

4. I shall scrupulously avoid making any detailed observation on merits. Suffice it to say that I have gone through the averments in the petition as also the averments in the statement filed by the third respondent, who is conducting the investigation. I am not at all satisfied that a proper, efficient and expeditious investigation has been conducted. The investigators seem to be groping in the dark. I am satisfied that the 5th respondent must be directed to take over the investigation, notwithstanding the opposition by the standing counsel for the C.B.I.

5. This Writ Petition is accordingly allowed. The investigation into Crime 37 of 2002 of Munambam police station, which is re-numbered as Crime No.414/CR/2002 of the Crime Branch C.I.R., shall now be

conducted by the C.B.I. Respondents 2 to 4 and 6 shall extend all necessary co-operation to facilitate a proper and expeditious investigation by the C.B.I.

(R. BASANT)
Judge

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